HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25103 of 2006

Dated:04.12.2006

Between:

N.P.Devadas.

…Petitioner

and

The Joint Collector and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25103 of 2006

ORDER:

The petitioner and his family are allegedly owners of land admeasuring Acs.8.14 guntas in Survey No.21 situated at Katedhan Village, Rajendra Nagar Mandal in Ranga Reddy District. It is also alleged that they are in possession and cultivating the land. It is the case of the petitioner that in April 2006 some third parties came to the land and informed that their father Late G.Chenna Reddy and Late Sathi Reddy were granted Occupancy Rights Certificate (ORC) under the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (for short 'the Act'). Therefore, the petitioner and his family members approached the second respondent on 31.05.2006 for reopening the case, in vain. Then they filed an appeal before the first respondent against ORC No.L/5868/1986, dated 15.05.1987. The same was rejected by the first respondent vide order dated 06.10.2006 in Case No.F/4882/2006. The petitioner, therefore, filed the present Writ Petition challenging the ORC dated 15.05.1987 issued in favour of G.Chenna Reddy and G.Sathi Reddy, sons of Papi Reddy.

Learned Counsel for the petitioner submits that the second

respondent issued ORC without conducting enquiry and without issuing notice to the petitioner or his family members as required under the Andhra Pradesh (Telangana Area) Abolition of Inams Rules, 1975, and therefore, this Writ Petition is maintainable. Learned Assistant Government Pleader for Revenue (General-T) opposes the Writ Petition on the ground of delay and on the ground of non-joinder of necessary parties.

The petitioner preferred an appeal under Section 24 of the Act against ORC dated 15.05.1987. In the said appeal, the legal representatives of Chenna Reddy and Sathi Reddy were shown as respondents. Curiously, none of them is made as a party to this Writ Petition. Therefore, in the absence of the persons, who would be affected by the orders of this Court, the writ jurisdiction cannot be entertained. This is settled position in law. Secondly, the petitioner does not specifically challenge the order of the Joint Collector, dated 06.10.2006, which was dismissed as barred by limitation and also on the ground that the petitioner failed to file an application for condonation of delay. Thirdly, even though they came to know about the ORC in April 2006, they took their own time to approach the Joint Collector by filing appeal. Even in this Court, the delay in filing proceedings in not properly explained, except making bald allegation on the ground that the land in question is not inam land.

The Writ Petition is misconceived, and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

04.12.2006
vs